

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

John T. Clark,

Plaintiff,

vs.

Jo Anne B. Barnhart, Commissioner of  
Social Security,

Defendant.

)

)

)

)

)

)

)

)

)

)

)

C/A No.: 0:05-0845-MBS

**OPINION AND ORDER**

Plaintiff John T. Clark filed an application for disability insurance benefits on November 26, 2001, alleging disability commencing July 26, 2001 because of degenerative disc disease, carpal tunnel syndrome, and tendinitis in his right foot. The application was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge (“ALJ”). The ALJ held a hearing on July 27, 2004. On November 15, 2004, the ALJ issued a decision that Plaintiff’s was not entitled to a period of disability or to disability insurance benefits under sections 216(i) and 223, respectively, of the Social Security Act. The decision of the ALJ became the “final decision” of the Commissioner on February 10, 2005, after the Appeals Council determined that there was no basis for granting Plaintiff’s request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. On January 11, 2006, the Magistrate Judge filed a Report and Recommendation in which he determined that the ALJ’s findings were supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the decision of the Commissioner be affirmed. No party filed an objection to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision be **affirmed**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

February 7, 2006.